Previous references.

1908.

(Court)

Later references.

File No. 87 of 08

Serial Nos. 142

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 142

Part B. for Sept '08

SUBJECT.

Rule of Practice re writing off fines in Criminal Court

Table of Contents.

1 From The Registrar, Chief Court No 1372/64 dt 25.8.08 States that the practice in some criminal courts of retaining in the fine Register irrecoverable items of fines for a period of 6 years from the date of sentence is due to a misconception of Sec 20 J.B.C and in order to clear the accounts proposes the adoption of a rule of practice re writing off such items as are irrecoverable;

2 To the Registrar, Chief Court No 1757 dt 17.9.08 G. R. S. 58 Approves of the draft rule of practice

G.R.S. 11] 1908-09

GENERAL AND REVENUE SECRETARIAT.

(Courts)

NOTES.

Ct. File No. 8 09

FILE HEADING.

Rule of Practice re writing off fines in Criminal Courts.

From

The Registrar of the Chief Court of Mysore

No. 1372/64 Dated 25.8.08 Received 26.8.1908.

Diary No. 1535	Enclos. 1	Spare Copies.	Serial No. 1

BRIEF ABSTRACT OF LETTER.

States that the practice in some Criminal Courts, of retaining in the fine Register irrecoverable items of fines for a period of 6 years from the date of Sentence is due to a misconception of Sec 70. IP Code and in order to clear the accounts, proposes the adoption of a Rule of practice re writing off of such items as are irrecoverable.

NOTES AND ORDERS.

1 Submitted with a draft order approving of the draft Rule of Practice. The Comptroller & Branch II may be consulted unofficially -

2 The draft may be approved

Submit to [illegible]

GPH -30,000--20-3-06.

3 Approved

4 Issue

G. R. S. 12]

General and Revenue Secretariat.

Ch. File No. 87 of 1908-09.

2

Serial No.	
2	To Registrar of the Chief Court of Mysore. J 7578 7 9.08 Approves of the draft Rule of Practice

Note.—Contn sheet.

II 4261 Encl
No. 1372
CD/64

2535

Chief Court of Mysore, Bangalore.

Dated the 25th August 1908.

25

From

V.A. Rajaratna Mudaliar Esq.,

Registrar, Chief Court of Mysore.

To

K.S. Chandrasekhara Aiyar Esq.,

Secretary to Government,

General & Revenue Departments.

Sir,

I am directed to forward for the sanction of Government the enclosed draft Rule of Practice re writing off of fines in criminal courts.

The half yearly Fine Statements submitted to the Chief Court show that in some of the criminal courts the amount of fines -- standing unrealised is large and the invariable explanation is that though there is no reasonable prospect of recovery, the sums have to be struck off only after the expiry of six years from date of sentence. This is based on a misconception of section 70 of the Indian Penal Code. The Judges consider that it is unnecessary to keep fines on the Register for six years when they have once become irrecoverable and that it will be useful to remove the entries and clear the accounts when the person from -- whom the fine is leviable is dead or has absconded. The writing off of a fine is however, merely an account arrangement and would not affect the liability to pay the fine.

I have the honor to be,

Sir,

Your most obedient servant,

V Rajaratnam

Registrar.

S.R.

In the Chief Court of Mysore.

Criminal Side.

Rule of Practice No. Dated 1908.

Under section 554 of the Code of Criminal Procedure and with the concurrence of Government, the Chief Court issues the following rule for regulating the practice of the criminal courts in the matter of the writing off of fines.

The provisions of section 70 of the Indian Penal Code do not render it compulsory to retain the fine or such --- portion of it as may remain unrealized, on the Register for the full term of six years from the date of the sentence, if all possible means of realising it have been tried and have failed. Any Sessions Judge and any District Magistrate and with the written permission of the District Magistrate, any Magistrate subordinate to the District Magistrate, may at any time write off as irrecoverable any amount of which the payment has been ordered in his court or in the court of his predecessor in office, if it appears to him that the amount cannot be recovered.

Registrar.

S.R.

G.B.S. 23]

3

C/S File No. 87-08
Serial No. 2.

Diary No. of letter replied to

Proceedings of the Government of His Highness the Maharaja of Mysore.

GENERAL AND REVENUE SECRETARIAT.
( )

the 190

Date of issue 7-9-08

Signed by
Mr S.P. Rajagopalachar

READ— Letter No. 1372/64 dated the 25th August 1908 from the Registrar of the Chief Court of Mysore, stating that the present practice in some Criminal Courts of retaining in the accounts irrecoverable items of fines for a period of Six years from the date of Sentence is based upon a misconception of Section 70 of the I.P. Code and that in order to clear the

over

ORDER THEREON.—No.

SUBJECT

accounts, it is ~~on~~ useful in the opinion of the Judges to write off all the fines which have become irrecoverable, and forwarding for sanction a draft Rule of Practice in the matter.

Order thereon. J 757 d 7-9-08

The draft Rule of Practice is approved as hereunder.

(Here type the Rule of Practice)

C.S.K
for Secretary

Sd/ Reports

To

The Registrar of the Chief Court of Mysore.

Dft
Kos SW
1/9/08.

Typed
Sd/ Kou.
5/9